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Joyce von Natzmer
4615 North Park Avenue, Suite 919
Chevy Chase, MD 20815

In re Application of
Maecke et al.

Application No.: 10/533,906

PCT No.: PCT/EP01/05483

Int. Filing Date: 11 May 2001

Priority Date: 12 May 2000

Attorney Docket No.: 3025-107

For: Prochelators For The Preparation Of Radiometal
Labeled Molecules Having Improved Biological...

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: DECISION
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: ON
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: PETITION
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This is in response to the petition under 37 CFR 1.182 filed on 30 March 2006.

DISCUSSION

In a decision mailed on 27 December 2005, a renewed petition under 37 CFR 1.137(b) filed on 29 November 2005 was granted. The decision also stated (in part) that

counsel is advised that the given name of inventor Eisenwiener as of the filing of this application was listed as "Klaus," not "Klaus-Peter," and that the name listed in the declaration ("Klaus-Peter") therefore constitutes a change in the inventor's name. See 35 U.S.C. 363. Since this change is clearly more than a result of a mere typographical error or misspelling, the filing of a petition under 37 CFR 1.182 is appropriate, as noted in the previous Decision. Alternatively, applicants may file a new oath or declaration naming the same inventive entity as nominated in the published international application and which complies with all of the requirements of 37 CFR 1.497(a) and (b).

The instant petition is signed by all of the inventors and states that Klaus-Peter T. Eisenwiener "is an inventor of the above-referenced application," includes a statement of lack of deceptive intent, and refers to an accompanying "Statement of Arjen J.W. Hoolveld..." Atty. Hoolveld states that he reviewed the "Arnold Siedsma internal file of this application" and describes the opinion he reached after this review of the application history - specifically, he concludes that the discrepancy was "based on a clerical error and/or oversight, but was inadvertent and made without deceptive intent." In view of the totality of the evidence now of record, and since the requisite petition fee has been paid, it would now be appropriate to grant the requested relief. It is noted that the only declaration in compliance with 37 CFR 1.497(a) and (b) and currently present in the application file is the declaration filed on 30 March 2006.

DECISION

The petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the National Stage Processing Branch for further processing. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is 30 March 2006.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459